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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

RUFANEL KEBEDE MULUGETA,

Plaintiff,

v.

WALGREEN CO, a foreign corporation;  
RADIENZ LIVING f/k/a U.S. NONWOVENS,  
Foreign LLC; NEW SPS POD LLC, d/b/a  
RADIENZ LIVING, a Foreign LLC; DOES I  
through X; and ROE CORPORATIONS II  
through X, inclusive,

Defendants.

WALGREEN CO,

Cross-Claimant,

v.

RADIENZ LIVING f/k/a U.S. NONWOVENS,  
Foreign LLC; NEW SPS POD, LLC dba  
RADIENZ LIVING, a Foreign LLC;

Cross-Defendants.

Case: 2:23-cv-00881-RFB-DJA

**UNOPPOSED MOTION TO CONTINUE  
THE TIME FOR DEFENDANT NEW SPS  
POD LLC TO RESPOND TO  
PLAINTIFF'S FIRST AMENDED  
COMPLAINT [ECF NO. 21] AND  
WALGREEN'S ANSWER TO  
COMPLAINT AND CROSS CLAIM  
[ECF NO. 23]**

1 Defendant New SPS Pod LLC (“New SPS Pod”), by and through counsel, Garman  
 2 Turner Gordon LLP and Schulte Roth & Zabel LLP, hereby files this *Unopposed Motion to*  
 3 *Continue the Time for Defendant New SPS Pod LLC to Respond to Plaintiff’s First Amended*  
 4 *Complaint [ECF NO. 21] and Walgreen’s Answer to Complaint and Cross Claim [ECF NO. 23]*  
 5 (“Motion”) and states as follows in support. New SPS Pod has conferred with counsel for  
 6 Plaintiff Rufael Kebede Mulugeta (“Plaintiff”) and counsel for Defendant and Crossclaim-  
 7 Plaintiff Walgreen Co. (“Walgreen”), and both Plaintiff and Walgreen consent to the extensions  
 8 of time sought herein.

9 On January 17, 2024, Plaintiff filed his First Amended Complaint (“Complaint”) [ECF  
 10 No. 21] and on that same day the Court issued a Summons to New SPS Pod and a Summons to  
 11 Radienz Living f/k/a U.S. Nonwovens [ECF No. 22]. On January 29, 2024, Walgreen filed its  
 12 Answer to Complaint and Cross Claim (“Cross Claim”) [ECF No. 23], which asserted cross  
 13 claims against New SPS Pod as well as Radienz Living f/k/a U.S. Nonwovens.

14 Despite its registered agent being served with the Complaint on or around January 25,  
 15 2024, New SPS Pod was not notified by its registered agent of the Complaint until February 21,  
 16 2024, which is when New SPS Pod first learned of the Action.

17 On March 1, 2024, New SPS Pod appeared in the Action and filed a stipulation signed by  
 18 Plaintiff’s counsel regarding an extension of New SPS Pod’s time to respond to the Complaint  
 19 [ECF No. 27]. On March 4, 2024, the Court denied the stipulation without prejudice after  
 20 finding that the stipulation did not comply with Local Rules 7-1(c) and IA 6-1(a). That  
 21 stipulation is the only time, other than the instant Motion, that New SPS Pod has requested an  
 22 extension in this Action.

23 Since becoming aware of the Action two weeks ago, New SPS Pod has worked diligently  
 24 to retain local counsel, investigate the claims, confer with counsel for Plaintiff and counsel for  
 25 Walgreen about the claims, and seek an extension of its time to respond to the claims.

26 New SPS Pod respectfully requests extensions of its time to respond to Plaintiff’s  
 27 Complaint and Walgreen’s Cross Claim until April 1, 2024, and both parties, respectively, have  
 28 consented to such relief. There is a good faith basis for the extensions because New SPS Pod

1 was not aware of the Action until February 21, 2024, due to New SPS Pod's registered agent  
 2 failing to notify New SPS Pod of the Complaint until that date. Further, the claims asserted  
 3 against New SPS Pod and New SPS Pod's potential defenses to those claims are complex,  
 4 including because (i) New SPS Pod was formed on September 21, 2022, and thus did not exist at  
 5 the time of Plaintiff's alleged injury, which allegedly occurred on or about August 2, 2021, and  
 6 (ii) Radienz Living, LLC is currently a debtor in a chapter 7 bankruptcy proceeding that was  
 7 commenced on June 12, 2023, in the U.S. Bankruptcy Court in the District of Delaware under  
 8 Case No. 23-10763-KBO. Additionally, New SPS Pod is hopeful that the extension of time to  
 9 respond will allow the parties to continue to negotiate a voluntary dismissal of New SPS Pod  
 10 from the Action.

11 Accordingly, New SPS Pod respectfully requests, and Plaintiff and Walgreen have each  
 12 consented to such request, that its responses to Plaintiff's Complaint and Walgreen's Cross  
 13 Claim be due no later than April 1, 2024.

14 DATED this 6<sup>th</sup> day of March 2024.

15 GARMAN TURNER GORDON LLP

16 /s/ Dylan T. Ciciliano

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*Attorneys for Defendant/Cross-Defendant*

*New SPS Pod LLC*

### 25 ORDER

26 IT IS SO ORDERED.

27   
 UNITED STATES MAGISTRATE JUDGE

28 DATED : 3/7/2024

**CERTIFICATE OF SERVICE**

The undersigned, an employee of Garman Turner Gordon LLP, hereby certifies that on March 6, 2024, she caused a copy of the foregoing **UNOPPOSED MOTION TO CONTINUE THE TIME FOR DEFENDANT NEW SPS POD LLC TO RESPOND TO PLAINTIFF'S FIRST AMENDED COMPLAINT [ECF NO. 21] AND WALGREEN'S ANSWER TO COMPLAINT AND CROSS CLAIM [ECF NO. 23]**, to be served electronically to all parties of interest through the Court's CM/ECF system.

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